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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/903,652 | 07/13/2001 | Hiroshi Isono | 110087 | 8225 |

25944 7590 02/02/2004

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| EXAMINER |
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BURCH, MELODY M

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| ART UNIT | PAPER NUMBER |
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3683

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,652

Applicant(s)

ISONO, HIROSHI

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,9 and 12-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4,6,7 and 17 is/are allowed.
- 6) ☒ Claim(s) 1,10,11,15,16 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/03 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10, 11, 15, 16, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4838619 to Ocvirk.

Re: claims 1, 10, 11, 15, and 16. Ocvirk shows in figure 1 a braking system comprising: a power-operated hydraulic pressure source 34 operable to deliver a pressurized working fluid; a brake shown in the area of element HR including a hydraulically operated brake cylinder 20, a manually operable brake operating member

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3, a master cylinder 1 disposed between the power-operated hydraulic pressure source and the brake cylinder and operable to deliver the pressurized working fluid into the brake cylinder, in response to an operation of the manually operable brake operating member (by virtue of the closing of valve 39 which is comparable to the closing of valve 90 in figure 1 of the instant application), and a flow rate changing device 36,39,1,16 (in a second interpretation the flow rate changing device includes elements 36,39,1) disposed between the power-operated hydraulic pressure source and the brake cylinder and including the master cylinder 1, the flow-rate changing device being operable to change a rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder, which rate corresponds to a given rate of flow of the pressurized working fluid from the power-operated hydraulic pressure source into the master cylinder, to control a pressure of the working fluid in the brake cylinder, such that the pressure of the working fluid in the brake cylinder corresponds to the operation of the manually operable brake operating member as disclosed in col. 5 lines 39-43.

Re: claim 30. In the second interpretation of the Ocvirk reference, Ocvirk shows in figure 1 the braking system further comprising a pressure control valve device 16 disposed between the master cylinder and the brake cylinder and operable to control the pressure of the working fluid in the brake cylinder, irrespective of the operation of the manually operable brake operating member (under the control of the brake slip control device as disclosed in col. 4 lines 49-50).

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5. Claims 1, 10, 11, 15, 16, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-1191530 (using US Patent 6095622 to Oishi et al. as an English equivalent).

Re: claims 1, 10, 11, 15, and 16. Oishi et al. show in figure 1 a braking system comprising: a power-operated hydraulic pressure source 30 operable to deliver a pressurized working fluid; a brake 11 including a hydraulically operated brake cylinder, a manually operable brake operating member 15, a master cylinder 17 disposed between the (top portion of the) power-operated hydraulic pressure source and the brake cylinder and operable to deliver the pressurized working fluid into the brake cylinder, in response to an operation of the manually operable brake operating member as disclosed in col. 4 lines 11-19, and a flow rate changing device 44,17 disposed between the power-operated hydraulic pressure source and the brake cylinder and including the master cylinder 17, the flow-rate changing device being operable to change a rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder as disclosed in col. 6 lines 58-65, which rate corresponds to a given rate of flow of the pressurized working fluid from the power-operated hydraulic pressure source into the master cylinder, to control a pressure of the working fluid in the brake cylinder, such that the pressure of the working fluid in the brake cylinder corresponds to the operation of the manually operable brake operating member as disclosed in col. 4 lines 11-19.

Re: claim 30. Oishi et al. show in figure 1 the braking system further comprising a pressure control valve device 38a disposed between the master cylinder and the brake cylinder and operable to control the pressure of the working fluid in the brake

cylinder, irrespective of the operation of the manually operable brake operating member (during traction control as disclosed in col. 6 lines 46-49).

Allowable Subject Matter

6. Claims 2, 3, 4, 6, 7, and 17 allowed.

Response to Arguments

7. Applicant's arguments filed 11/25/03 have been fully considered but they are not persuasive. Applicant argues that Ocvirk does not teach the flow rate changing device being operable to control the brake cylinder pressure such that the brake cylinder pressure corresponds to the operation of the brake operating member. Examiner notes that in one of the interpretations of Ocvirk the flow rate changing device comprised only elements 36,39,1 which includes the valve 39 whose closed or opened state affects the fluid flow rate to the same extent as the state of valve 90 affects fluid flow rate in the instant invention as described, for example in paragraph [0124]. In col. 5 lines 37-43 portion 1 of the flow rate changing device is described as being operable to control the brake cylinder pressure such that the brake cylinder pressure corresponds to the operation of the brake operating member. Therefore, it is maintained that the flow rate changing device of Ocvirk is operable to control the brake cylinder pressure such that the brake cylinder pressure corresponds to the operation of the brake operating member as now required by claim 1.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 1/22/04
mmb
January 22, 2004



JACK LAVINDER
SUPERVISOR
1/22/04